IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13754 of 2004

Between:

1 Papigari Chendraiah S/o. Late Narsaiah
Thimmasanipally vill, Mahaboobnagar Mandal, Dist.
2 Papigari Sayamma W/o. Lae Chinna Narasiah,
Thimmasanipally Village, Mahaboobnagar Mandal, and District.
3 Papigari Venkataiah S/o. Late Naganna
Thimmasanipally Village, Mahaboobnagar Mandal, and District.
4 Papigari Srinivasulu S/o. Late Venkataiah
Thimmasanipally Village, Mahaboobnagar Mandal, and District.

..... PETITIONERS

AND

1 the State of A.P., rep. by its Prl. Secretary, L.A., Division, Secretariat, Hyd.
2 the Collector, Mahaboobnagar District, Office at Mahaboobnagar.
3 The Revenue Divisional Officer-Cum-Land Acquisition Officer, Mahaboobnagar Division, at Mahaboobnagar.
4 The Mandal Revenue Officer, Mahaboobnagar Mandal & Dist.Office at Mahaboobnagar.
5 The President of Non-Gazetted Officer Co-Opp. House Bldgs Society, Srinivasanagar Colony, Mahaboobnagar.
6 Smt. Venkata Laxamma W/o. Bheemaiah,
C/o. V. Bheemaiah, Advocate, Mahaboobnagar.
7 Smt. K. Vijayalaxmi Devi W/o. Late Balreddy,
R/o. Station Road, Mahaboobnagar of Mahaboobnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus; a) To declare the entire land acquisition proceedings in File No. F/234/82 on the file of 3rd respondent LAO in so far as the land in Sy.No. 205 and 206 are concerned as illegal, unlawful, contrary to article 300 A of Constitution of India and they are vitiated

for inaction on the part of the respondents as null and void. b) consequently direct the respondents 2 to 4 to restore the possession of the land in Sy.No. 205 to the extent of 3 acres 22 gts., and in Sy.No. 206 to the extent of 29 gts., situated at Yenugonda village, Mahaboobnagar Mandal District to the Petitioners by duly closing Sec. 145 Cr. P.C. Proceedings in file No. F/1964/2003 dated 29.102003 on the file of the 3rd respondent. c) To award the suitable compensation to the Petitioner for their inaction on part of the respondents in depriving the Petitioners from possessing and enjoying the above land since from the year 1982 and unnecessarily driving them to seek justice. d) Costs of Writ Petition may be awarded.

Counsel for the Petitioners: MR.M.DAMODAR REDDY

Counsel for the Respondent Nos.1to4: GP FOR REVENUE (Land Acquisition)

Counsel for Respondent Nos.5 to 7 : None

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13754 OF 2004

ORDER:

The petitioners claimed to be the owners of lands in Survey No.205 (Ac.3.22 guntas) and Survey No.206 (Ac.029 guntas) of Yenugondla village of Mahaboobnagar Mandal. The lands were acquired under an award dated 23.09.1986 for the purpose of providing house sites to the members of fifth respondent society. As there was a title dispute between the petitioners and the respondents 6 and 7, the petitioners made a representation to the Land Acquisition Officer, the third respondent herein, seeking a reference under Sections 30 and 31 of Land Acquisition Act, 1894 (the Act, for brevity), in vain. However, when respondents 6 and 7 made a representation, the third respondent without referring the matter to Civil Court passed a supplementary award, awarding compensation to respondents 6 and 7. Again as there was an *inter se* dispute between the respondents 6 and 7, the matter was referred under Section 30 of the Act to the Court of Senior Civil Judge, Mahaboobnagar as O.P.No.2 of 1988. A reference under Section 18 of the Act also was made for enhancement of the compensation. Aggrieved by the reference, one Papigari Chennappa, the predecessor of the petitioners, filed a writ petition being W.P.No.19533 of 1999 challenging the action of the third respondent in passing supplementary award. This Court allowed the said writ petition on 18.08.2000 and the Writ Appeal filed by the respondents 6 and 7 being W.A.No.1553 of 2000 was dismissed. In view of the orders of this Court, the Civil Court closed the reference being O.P.No.2 of 1988. Even thereafter, the third

respondent did not consider the application of the petitioners for reference to Civil Court under Sections 30 and 31 of the Act. In the mean while, petitioners came to know that the land was not occupied by the members of fifth respondent and the purpose for which the land was acquired was frustrated, the petitioners filed the present writ petition seeking following reliefs.

a) To declare the entire land acquisition proceedings in File No.F/234/82 on the file of 3rd respondent LAO insofar as the land in Sy.No.205 and 206 are concerned as illegal, unlawful, contrary to Article 300A of Constitution of India and they are vitiated for inaction on the part of the respondents, as null and void.

b) Consequently direct the respondents 2 to 4 to restore the possession of the land in Sy.No.205 extent of 3 acres 22 gts., and in Sy.No.206 extent of 29 gts., situated at Yenogonda village, Mahaboobnagar Mandal District to the petitioners by duly closing Sec.145 Cr.P.C. proceedings in file No.F/1964/2003 dated 29.10.2003 on the file of the 3rd respondent.

c) To award the suitable compensation to the petitioners for their inaction on part of the respondents in depriving the petitioners from possessing and enjoying the above land since from the year 1982 and unnecessarily driving them to seek justice.

The learned counsel for the petitioners made elaborate submissions. But having regard to the nature of reliefs sought and the delay in approaching this Court, this Court is not inclined to admit the writ petition. Even according to the petitioners, when they filed contempt case before this Court being C.C.No.781 of 2002 alleging disobedience on the part of the third respondent to obey the orders of this Court in W.P.No.19533 of 1999, this Court disposed of the contempt case in February, 2002, but the petitioners chose to file the writ petition recently. Further, admittedly the amount was already paid by the Land Acquisition Officer to the respondents 6 and 7 and if the petitioners have any grievance about this, they have to approach the Civil Court and seek payment of amount from the respondents 6 and 7. Insofar as the prayer for reconveyance of the land on the alleged ground of non-utilisation of the land is concerned, the law is well settled that any person, whose land is acquired for public purpose, cannot seek for reconveyance of the land merely because the land is not put to use for the purpose for which it was acquired. It is always open to the acquiring authority or the State to use the land for any other public purpose. (See **Northern Indian Glass Industries v Jaswant Singh)**

The writ petition, for the above reasons, is devoid of merits and is dismissed, subject to the above observations.

_____

(V.V.S.RAO,J)

05.08.2004.

pln

To

1. The Principal Secretary, State of A.P., Land Acquisition Division, Secretariat, Hyderabad.

2. The Collector, Mahaboobnagar District, Office at Mahaboobnagar.

3. The Revenue Divisional Officer-cum-Land Acquisition Officer, Mahaboobnagar Division, at Mahaboobnagar.

4. The Mandal Revenue Officer, Mahaboobnagar Mandal and District, Office at Mahaboobnagar.

5. 2 CCs to the G.P. for Revenue (Land Acquisition), High Court Buildings, Hyderabad (OUT).

6. 2 CD copies.

*Form-NIC-OGS/WP{**JGK**}*